4-24-14

Dear Mr, Potokar:

In reference to your letter of the last five years that my facility discharged into the Sand Hollow Drain. Sage Dairy has leased the dairy from Rimfire Ranch for the last two years and has never discharged anything.

I assume you're referring to July of 2013 when Rimfire Ranch had tailwater from their fields allegedly discharge into the Sand Hollow Drain.

As you can see from the attached letters Sage Dairy has no control of what Rimfire Ranch does, and has kept our lagoons well maintained and in good condition.

Thank You

Curtis Yett

Sage Dairy LLC

(b) (6)

RECEIVED

APR 2 9 2014

U.S. EPA REGION 10 OFFICE OF COMPLIANCE AND ENFORCEMENT



STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

2086742018

C.L. "BUTCH" OTTER

Governor

CELIA R. GOULD

Director

November 8, 2013

Curtis Yett Sage Dairy LLC PO Box 490 Parma, ID 83660



EMAILED & REGULAR MAIL

Re:

Withdrawal of Notice of Intended Penalty

Dear Curtis:

On September 13, 2013, the Idaho State Department of Agriculture ("ISDA") sent a Notice of Intended Penalty ("NOIP") to you, alleging that your facility discharged livestock waste in July 2013. After additional information gathering and discussion, ISDA has determined that it does not have jurisdiction over the alleged discharge, because the retention pond at issue is not part of the dairy facility or its waste containment system.

The lease between your landlord and you is unclear whether the parties intended that the retention pond be part of the dairy waste containment system. However, when you and your landlord applied for a siting permit from Gem County in 2011 to expand the dairy, a map provided with the county application described the retention pond as a "tailwater return pond" from fields. It was not described as being part of the dairy waste containment system.

Further, on November 7, 2013, you clarified that you saw nothing in your lease agreement, nor was it your understanding, that the retention pond was part of the waste containment system for Sage Dairy.

Following review of the documents and facts provided and based on the information just described, ISDA has determined that it does not have jurisdiction over the alleged discharge that occurred in July 2013. Therefore, ISDA is withdrawing the previously-issued NOIP.

الخصاط الماعل ويواد مواعظ فأماعان الأناب والراكات

Sincerely,

Mary Patten

Dairy & CAFO Bureau

Mare Patter

Idaho State Department of Agriculture

Cc: Terry Jones; d/b/a Rim Fire Ranch, LLC

 $^{^1}$ ISDA staff members were part of the CAFO Siting Team that reviewed the proposed expansion in 2011, at the request of Gem County.

IDAHO DEPARTMENT OF AGRICULTURI ANIMAL INDUSTRIES / DAIRY/CAFO BU PO BOX 790, BOISE ID 83701-0790 (208)3	REAU		LIVESTO	CK WASTE INS	PECTION REPORT
FACILITY NAME/OWNER/ADDRESS/CITY			10-16-13	INSPECTION TYPE:	REPEAT NON-COMPLIANCE
Suge Dairy			2:00 pm	ROUTINE	DISCHARGE INSPECTION
5888 Sundy Al	14	# OF AN	Dry: (b) (4)	FOLLOW-UP PRE-QUALIFYING	
1	10	Replacer		☐ QUALIFYING	UPDATE NMP
Emmett J		Beef:		COMPLAINT	TIME FRAME:
		Poultry:_		NMP REVIEW ☐ OTHER	PLANT/PERMIT#:
	T	Other:	Remarks:		SL-2+1
	Comment	Non- Compliance Discharge		# I has approx	. 4ft of freeboard
ITEM/DESCRIPTION		20 0	, '		
1. WASTE SYSTEM	_		09000	47 has anor	ix. 4ft of freeboard
a. Waste Containment	\sim		_		
Type Luther Freeboard	\mathcal{X}				re in use and
b. Corral/Facility Containment	/ /	4	well -	maintained,	
☐ In-Corral ☐ Pond					
c. Separation System	BOSETMENTELLE		6 76 0	Sildris mate	system consist of
d. Construction Approved			INIS 4	antys cons.	ald by the standard
e. Adequate Liquid Storage			@ 2 la	goins and o	CALLY DOSM (BLOTTER, ON
f. Land Application Appropriately Managed			the b	Jest side of	catch bosin located on the Milk born. I land border Sage
g. Evidence of Past Discharge			All com	ounding field	5 that border Sage
h. Animals Confined From Waterways			Al Joan		10
2. NUTRIENT MANAGEMENT			Dairy	and its wiste	L System, is owned
Certified Planner Name/#			0	perated by a	3rd parter
a. Animal Numbers Current with NMP					3.5. 12.1.9
 b. Additional Water Usage/Water Management 					
c. Additional Corrals/Housing Area/Commodity					
d. Additional Waste Containment needed					
 e. Field Changes/Added/Subtracted/ Combined/Divided/Renamed 					
f. Type of Crops, Crop Rotation and Crop Yield is current in Plan					
g. Change in Resource Concern					
h. Additional/Change in 3 rd Party Export					
3. RECORD KEEPING CURRENT					
Certified Soil Sampler Name/#					
a. Soil Sampling Records, Depth, Results					
 Types of Crops, Crop Rotation and Crop Yields 					
c. 3rd Party Receiver, Address, Date, Amount and Type of Manure Transferred					
d. Application Area					
e. Additional Records					
INSPECTOR SIGNATURE	/	//	PI	RODUCER SIGNATURE	
Mitch 1	1/	las		Not	Available

IDAÑO DEPARTMENT OF AGRICULTURE ANIMAL INDUSTRIES / DAIRY/CAFO BUI PO BOX 790, BOISE ID 83701-0790 (208)3	REAU		LIVESTOCK WASTE	EINSPEC	TION REPORT
FACILITY NAME/OWNER/ADDRESS/CITY	7	DATE:	-23-14 INSPECTION T	YPE:	REPEAT NON-COMPLIANCE
Sade Dairy		TIME:	30PM ROUTINE		DISCHARGE INSPECTION
Jag Jang	# OF AN	(b) (1)	, D FOLLOW-UP D PRE-QUALIFYING		
Sage Dairy 5888 Sandy Av Emmett	e	Fresh & Replacen	nly.		UPDATE NMP
Frances		Beef:	COMPLAI		TIME FRAME:
2		Poultry:_	☐ NMP REV	TEW	PLANT / PERMIT #:
		Other:	OTHER		4-14
ITEM/DESCRIPTION 1. WASTE SYSTEM a. Waste Containment	Comment	Non- Compliance Discharge	Remarks: Lagrans 182 Freboard All wexats have lagran edges of Scrape Pil 18	have a	pprox. 4ft of removed from
Type Freeboard			laguan edges o		
b. Corral/Facility Containment				4	c 1-1-
In-Corral Pond			Scrape Pil 18	m good	Condition,
c. Separation System			o d	V	
d. Construction Approved					
e. Adequate Liquid Storage		E HOUSE			
f. Land Application Appropriately Managed					
g. Evidence of Past Discharge					
h. Animals Confined From Waterways					
2. NUTRIENT MANAGEMENT					
Certified Planner Name/#					
a. Animal Numbers Current with NMP					
 b. Additional Water Usage/Water Management 					
c. Additional Corrals/Housing					
Area/Commodity d. Additional Waste Containment needed					
e. Field Changes/Added/Subtracted/					
Combined/Divided/Renamed f. Type of Crops, Crop Rotation and Crop					
Yield is current in Plan g. Change in Resource Concern					
h. Additional/Change in 3 rd Party Export					
3. RECORD KEEPING CURRENT					
Certified Soil Sampler Name/#					
a. Soil Sampling Records, Depth, Results					
b. Types of Crops, Crop Rotation and Crop Yields					
c. 3rd Party Receiver, Address, Date, Amount and Type of Manure Transferred					
d. Application Area					
e. Additional Records	1				
INSPECTOR SIGNATURE	/,		PRODUCER SIGNATUR	RE	
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IDAHO DEPARTMENT OF AGRICULTUR ANIMAL INDUSTRIES / DAIRY/CAFO BU PO BOX 790, BOISE ID 83701-0790 (208)	REAU		LIVESTO	CK WAS	STE INSPE	CTION REPORT
FACILITY NAME/OWNER/ADDRESS/CIT	Y		4-22-14		TION TYPE:	REPEAT NON-COMPLIANCE
Sugar Dain			11:00am	ROU	UTINE LLOW-UP	DISCHARGE INSPECTION
5000			NIMALS: Dry: (b) (4)		E-QUALIFYING	UPDATE NMP
Jood Sandy All	_	Replacer			ALIFYING	TIME ED ANG.
Emmett		Beef: Poultry:		_ _	COMPLAINT NMP REVIEW	TIME FRAME:
		Other:		_ D OTH		PLANT/PERMIT#:
		0	Remarks:			06771
	Comment	Non- Compliance Discharge		. 3 4	10000	101 1
ITEM/DESCRIPTION	Con	Non Corr Disc	Lagoon	3 142	viable a	pproc. 29t of
1. WASTE SYSTEM						
a. Waste Containment			freeboa	d.		
Туре				,		has been borned
Freeboard			Slury	Storage	oreco	has been berned
b. Corral/Facility Containment			4. 00	. +	.00	
☐ In-Corral ☐ Pond			TO pra	wer ou	ny ruroff.	
c. Separation System					· · ·	. and I is
d. Construction Approved			Compost	Yaci	is in th	e process of being
e. Adequate Liquid Storage			1	but	does ho	ue delemente
f. Land Application Appropriately Managed			DERLINE		10 × 1.4.	e processed keing ne ochequate
g. Evidence of Past Discharge			Protection	U OF	this time	,
h. Animals Confined From Waterways						
2. NUTRIENT MANAGEMENT						
Certified Planner Name/#						
a. Animal Numbers Current with NMP						
b. Additional Water Usage/Water						
Management c. Additional Corrals/Housing						
Area/Commodity d. Additional Waste Containment needed						
e. Field Changes/Added/Subtracted/						•
Combined/Divided/Renamed f. Type of Crops, Crop Rotation and Crop						
Yield is current in Plan						
g. Change in Resource Concern						
h. Additional/Change in 3 rd Party Export						
3. RECORD KEEPING CURRENT						
Certified Soil Sampler Name/#						
a. Soil Sampling Records, Depth, Results		1				
 Types of Crops, Crop Rotation and Crop Yields 						
c. 3rd Party Receiver, Address, Date, Amount and Type of Manure Transferred						
d. Application Area	1					
e. Additional Records	/					
INSPECTOR SIGNATURE	/	Poblement	PF	RODUCER SIGN	IATURE	
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1.1.11			1	1 / - /	-	